

In the
Indiana Supreme Court

IN THE MATTER OF THE
APPROVAL OF LOCAL RULES
FOR MARION COUNTY

Case No. 49S00-0806-MS- 352

ORDER APPROVING AMENDED LOCAL RULES

The judges of the Marion Circuit and Superior Courts request the approval of an amended local rule for regulation of court reporter services in accordance with Ind. Administrative Rule 15. Attached to this Order is the proposed amended local rule.

Upon examination of the proposed rule amendment requested by the Marion Circuit and Superior Courts, this Court finds that the proposed amended rule, LR49-AR15-307, complies with the requirements of Ind. Administrative Rule 15, and accordingly, should be approved.

IT IS, THEREFORE, ORDERED by this Court that Marion County Local Rule, LR49-AR15-307, set forth as an attachment to this Order, is approved retroactive to May 14, 2008, provided further that the rule shall be posted in the county clerk's office(s) and on the county clerk's website, if any, and on the Indiana Judicial Website.

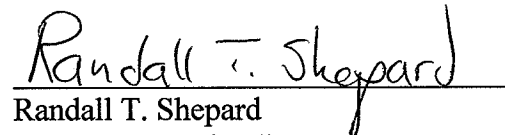
The Clerk of this Court is directed to forward a copy of this Order to the Hon. Robert R. Altice, Jr., Marion Superior Court, 200 East Washington Street, W241, Indianapolis, IN 46204-3322; the Hon. Cynthia J. Ayers, Marion Superior Court, 200 East Washington Street, W442, Indianapolis, IN 46204-3338; the Hon. Lisa Borges, Marion Superior Court, 200 East Washington Street, Indianapolis, IN 46204; the Hon. Linda E. Brown, Marion Superior Court, 200 East Washington Street, E608, Indianapolis, IN 46204; the Hon. Sheila A. Carlisle, Marion Superior Court, 200 East Washington Street, T401, Indianapolis, IN 46204; the Hon. Thomas J. Carroll, Marion Superior Court, 200 East Washington Street, W542, Indianapolis, IN 46204-3341; the Hon. Annie Christ-Garcia, Marion Superior Court, 200 East Washington Street, Indianapolis, IN 46204; the Hon. Barbara A. Collins, Marion Superior Court, 200 East Washington Street, E643, Indianapolis, IN 46204; the Hon. Charles Deiter, Marion Superior Court, 200 East Washington Street, T1721, Indianapolis, IN 46204-3325; the Hon. David J. Dreyer, Marion Superior Court, 200 East

Washington Street, T1441, Indianapolis, IN 46204; the Hon. Steven R. Eichholtz, Marion Superior Court, 200 East Washington Street, E-439, Indianapolis, IN 46204; the Hon. Patricia J. Gifford, Marion Superior Court, 200 East Washington Street, W203, Indianapolis, IN 46204-3336; the Hon. John W. Hammel, Marion Superior Court, 200 East Washington Street, E450, Indianapolis, IN 46204; the Hon. John F. Hanley, Marion Superior Court, 200 East Washington Street, T1420, Indianapolis, IN 46204; the Hon. Grant W. Hawkins, Marion Superior Court, 200 East Washington Street, W305, Indianapolis, IN 46204; the Hon. Reuben B. Hill, Marion Superior Court, 200 East Washington Street, W342, Indianapolis, IN 46204; the Hon. Kenneth H. Johnson, Marion Superior Court, 200 East Washington Street, W443, Indianapolis, IN 46204-3338; the Hon. Michael D. Keele, Marion Superior Court, 1525 Shelby Street, Indianapolis, IN 46203; the Hon. Patrick L. McCarty, Marion Superior Court, 200 East Washington Street, W406, Indianapolis, IN 46204-3338; the Hon. Gary L. Miller, Marion Superior Court, 200 East Washington Street, W507, Indianapolis, IN 46204-3337; the Hon. Robyn L. Moberly, Marion Superior Court, 200 East Washington Street, T1760, Indianapolis, IN 46204-3341; the Hon. Marilyn Ann Moores, Marion Superior Court, 2451 North Keystone Avenue, Indianapolis, IN 46218-3604; the Hon. William J. Nelson, Marion Superior Court, 200 East Washington Street, E607, Indianapolis, IN 46204-3341; the Hon. Carol J. Orbison, Marion Superior Court, 200 East Washington Street, W407, Indianapolis, IN 46204; the Hon. Becky Pierson-Treacy, Marion Superior Court, 200 East Washington Street, T442, Indianapolis, IN 46204; the Hon. Tanya Walton Pratt, Marion Superior Court, 200 East Washington Street, W202, Indianapolis, IN 46204; the Hon. S.K. Reid, Marion Superior Court, 200 East Washington Street, T1442, Indianapolis, IN 46204; the Hon. Clark Rogers, Marion Superior Court, 200 East Washington Street, G24, Indianapolis, IN 46204; the Hon. Jose Salinas, Marion Superior Court, 200 East Washington Street, Indianapolis, IN 46204; the Hon. David A. Shaheed, Marion Superior Court, 200 East Washington Street, T441, Indianapolis, IN 46204; the Hon. Theodore M. Sosin, Marion Circuit Court, 200 East Washington Street, W506, Indianapolis, IN 46204-3339; the Hon. Mark D. Stoner, Marion Superior Court, 200 East Washington Street, W306, Indianapolis, IN 46204; the Hon. Heather Welch, Marion Superior Court, 200 East Washington Street, Indianapolis, IN 46204; the Hon. William E. Young, Marion Superior Court, 200 East Washington Street, G108, Indianapolis, IN 46204-3337; the Hon. Gerald S. Zore, Marion Superior Court, 200 East Washington Street,

W541, Indianapolis, IN 46204-3307; and to the Clerk of the Marion Circuit Court, and to post this Order on the Court's website dealing with local rule amendments.

The Clerk of the Marion Circuit Court is directed to enter this Order and attachment in the Record of Judgments and Orders for the Courts, to post this Order and attachment for examination by the Bar and the general public, and if available, to publish this Order and attachment on the county clerk's website.

DONE at Indianapolis, Indiana, this 26th day of June, 2008.


Randall T. Shepard
Chief Justice of Indiana

LR49-AR15-307 COURT REPORTER SERVICES

The undersigned Courts comprise all of the Courts of record of Marion County, Indiana and hereby adopt the following local rule by which Court Reporter services shall be governed.

A. Definitions. The following definitions shall apply under this local rule:

1. *A Court Reporter* is a person who is specifically designated by a Court to perform the official court reporting services for the Court including preparing a transcript of the record.
2. *Equipment* means all physical items owned by the Court or other governmental entity and used by a Court Reporter in performing court-reporting services. Equipment shall include, but not be limited to, telephones, computer hardware, software programs, disks, tapes, and any other device used for recording and storing, and transcribing electronic data.
3. *Work Space* means that portion of the Court's facilities dedicated to each Court Reporter, including but not limited to actual space in the courtroom and any designated office space.
4. *Page* means the page unit of transcript, which results when a recording is transcribed in the form required by Indiana Rule of Appellate Procedure 7.2.
5. *Recording* means the electronic, mechanical, stenographic or other recording made as required by Indiana Rule of Trial Procedure 74.
6. *Regular hours worked* means those hours which the Court is regularly scheduled to work during any given work week. Depending on the particular Court, these hours may vary from Court to Court within the county but remain the same for each work week.
7. *Gap hours worked* means those hours worked that are in excess of the regular hours worked but are hours not in excess of forty (40) hours per work week.
8. *Overtime hours worked* means those hours worked in excess of forty (40) hours per workweek.
9. *Compensatory Time* means that time off to which an employee may be entitled by reason of the employee having worked gap hours and/or overtime hours as defined herein, and for which an employee would otherwise be entitled to receive regular pay and/ or overtime pay. An employee's compensatory time off for gap hours worked shall be computed at an hour for hour basis. Compensatory time off for overtime hours worked shall be computed at a rate of one and one half compensatory

time for each hour of overtime hours accrued. An employee shall receive compensatory time off for gap hours and/or overtime hours in lieu of gap and/or overtime pay.

10. *Work week* means a seven (7) consecutive day week that consistently begins and ends on the same days throughout the year; i.e. Sunday through Saturday, Wednesday through Tuesday, Friday through Thursday.
11. *Court* means the particular Court for which the Court Reporter performs services. Court may also mean the Marion Superior Court.
12. *Indigent transcript* means a transcript that is paid for from state or county funds and is for the use on behalf of a litigant who has been declared indigent by a court.
13. *Private transcript* means a transcript, including but not limited to a deposition transcript that is paid for by a private party.
14. *Expedited Transcript* means a transcript that is to be completed within seven (7) days of the request for the transcript.
15. *Daily Transcript* means a transcript that is to be completed within twenty-four (24) hours of the request for the transcript.
16. *Schedule of Transcript Supplies* means those supplies and or services necessary for the binding of the transcript and exhibit binders pursuant to Appellate Rules 28 and 29. Transcript supplies shall include, but not be limited to, C-D ROM disks, software disks, tabs and binders
17. *Minimum Transcript Fee* means the minimum fee charged for the preparation of a transcript or any portion thereof.

B. Salaries and Per Page Fees.

1. Court Reporters shall be paid an annual salary for time spent working under the control, direction and direct supervision of their supervising Judge during any regular work hours, gap hours or overtime hours. The Marion Superior Court, by and through its Executive Committee and the Supervising Judge, shall enter into a written agreement with the Court Reporter which outlines the manner in which the Court Reporter is to be compensated for gap and overtime hours; i.e. monetary compensation or compensatory time off regular work hours.
2. The maximum per page fee a Court Reporter may charge for the preparation of a county indigent transcript made at the request of the indigent shall be Three Dollars (\$3.00); the Court Reporter shall submit a claim directly to the Office of the Public Defender, or the Office of Court Administration as the case may be.

3. The maximum per page fee a Court Reporter may charge for the preparation of a indigent transcript for the State Public Defender shall be Three Dollars and Fifty Cents (\$3.50); the Court Reporter shall submit a claim for services directly to the Office of the State Court Administration or the Office of Court Administration as the case may be.
4. The maximum per page fee a Court Reporter may charge for preparation of a transcript for the County Prosecuting Attorney shall be Four Dollars (\$4.00); the Court Reporter shall submit a claim for payment of services directly to the Office of the Prosecuting Attorney.
5. The maximum per page fee a Court Reporter may charge for the preparation of all other regular transcripts shall be Four Dollars and Fifty Cents (\$4.50).
6. The maximum per page fee a Court Reporter may charge for all expedited transcripts, (those to be completed within seven days of the date of the request) shall be Five Dollars and Fifty Cents (\$5.50).
7. The maximum per page fee a Court Reporter may charge for the preparation of all daily transcripts, (those to be completed within 24 hours of the request) shall be Eight Dollars (\$8.00).
8. A Court Reporter may charge a minimum transcript fee of Fifty Dollars (\$50.00).
9. The Court Reporter's time spent assembling the transcript and exhibit binders shall be set forth and charged at the Court Reporter's regular hourly rate based upon the court reporter's annual compensation.
10. For copies of any transcript, the charge shall be One Dollar (\$1.00) per page.
11. The maximum fee a Court Reporter may charge for preparing a Compact Disc recording of a proceeding is Twenty-five Dollars (\$25.00).
12. The transcript supplies used in the preparation and assembly of the transcript and exhibit binders shall be itemized and charged in accordance with the fee schedule set out in the Schedule of Transcript Supplies and Fees on the file in the Court Administrator's office.
13. Each Court Reporter shall, on a annual basis, file a written report with the Indiana Supreme Court, Office of State Court Administration disclosing all transcript fees received by the Court Reporter for the preparation of County indigent, State indigent or private transcripts. The report shall be made on forms prescribed by the Division of State Court Administration and timely filed with that office.

C. Private Practice.

1. If a Court Reporter elects to engage in private practice through the recording of a

deposition and/or preparing of a deposition transcript, and the Court Reporter desires to utilize the Court's equipment, work space and supplies, and the Court agrees to the use of the Court equipment for such purpose, the Marion Superior Court, by and through its Executive Committee and the Court Reporter's Supervising Judge, and the Court Reporter shall enter into a written agreement which must, at a minimum, designate the following:

- (a) The reasonable market rate for the use of equipment, workspace and supplies.
- (b) The method by which records are to be kept for the use of equipment, work space and supplies; and
- (c) The method by which the Court Reporter is to reimburse the Court for the use of the equipment, workspace and supplies.

D. Miscellaneous

1. If a recording of a Court proceeding is made and a Court Reporter was not available at the time the recording was made, and a transcript of the hearing is requested, the duly qualified Court Reporter to which the case is transferred pursuant to Local Rule shall transcribe the proceeding in accordance with these Rules and terms and conditions of the Court Reporter Agreement.

STATE OF INDIANA)
)
COUNTY OF MARION)
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In Re Local Criminal Rules)

MARION CIRCUIT AND SUPERIOR
COURTS

Order Proposing Local Criminal Rules Amendments, Finding Good Cause to Deviate from the Schedule for Amending Local Court Rules, and Requesting Comments

The Judges of the Marion County Courts, pursuant to Trial Rule 81(D), now find that good cause exists to deviate from the schedule established by the Division of State Court Administration for the publishing of local rules and propose that the following local administrative rule amendments be adopted in compliance with the provisions of Trial Rule 81. Accordingly, the Court issues the following proposed amendments to the Administrative Local Rules and asks for comment from the bar and the public. Underlining indicates proposed additions and striking through indicates deletions.

Comments to these proposed Local Rules will be received through Noon on May 14, 2008. Comments to these proposed Local Rules should be e-mailed to the Office of the Court Administrator, c/o Glenn Lawrence, at Glawrenc@indygov.org, or mailed to:

Glenn Lawrence
Office of the Court Administrator
Marion County Circuit and Superior Courts
200 East Washington St., Ste. T-1221
Indianapolis, IN 46204.

All of the above is so ORDERED this 14th day of April, 2008.

/s/ Gerald S. Zore*
Judge Gerald S. Zore
Presiding Judge

* Original signature on file with the Court.